

PATENT

REMARKS**1) Claim Rejections – 35 USC § 103**

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,905,813 issued to Terane (hereinafter "Terane") in view of U.S. Patent No. 6,094,631 issued to Li et al. (hereinafter "Li"). To establish *prima facie* case of obviousness, certain criteria must be met. One of such criteria requires the prior art reference or references when combined must teach or suggest all the claim limitations. With the above requirements in mind, Applicants respectfully traverse these rejections.

With respect to independent claim 1, Applicants respectfully submit that Terane, Li or both fail to teach or suggest at least one claim limitation, especially the limitation regarding "*generating an energy distribution of the quantized transform coefficients*" (hereinafter "energy distribution limitation"). Turning first to Terane, the Examiner indicates that its data processor 9 in Figure 1 is "configured to generate an energy distribution of the quantized transform coefficients in an order of significance." See *Office Action dated January 11, 2005, page 2*. Such indication is **incorrect**. More specifically, the data processor 9 of Terane is configured to count the quantized coefficients that are not zero. See, e.g., *Col. 7, lines 37-43 and 66-67*. Thus, Terane does not teach or suggest the energy distribution limitation. Likewise, Li also fails to teach or suggest such energy distribution limitation as apparent from the Examiner's reliance on Li for disclosing the limitation of claim 1 regarding "*grouping the transform coefficients into layers based on the energy distribution*". Although Li does use energy as a criterion to carry out bit allocation, such use is simply **different** from the energy distribution limitation. *Column 4, lines 10-12 and 23-26*.

Furthermore, assuming *arguendo* that Li does provide a motivation to combine, the combination of Terane and Li would still fail to teach or suggest the energy distribution limitation.

Accordingly, claim 1 is believed to be non-obvious and patentably distinguishable over Terane in view of Li.

PATENT

Regarding claims 2-11, they depend from independent claim 1, which is believed to be patentable, and thus claims 2-11 should also be non-obvious and patentably distinguishable over Terane in view of Li. *MPEP 2143.03*.

With respect to claim independent claim 12, it comprises a limitation that is similar to the energy distribution limitation of claim 1, which is believed to be patentable as explained above. Accordingly, claim 12 should also be non-obvious and patentably distinguishable over Terane in view of Li.

Regarding claims 13-21, they depend from independent claim 12, which is believed to be patentable, and thus claims 13-21 should also be non-obvious and patentably distinguishable over Terane in view of Li. *MPEP 2143.03*.

With respect to claim independent claim 22, it comprises a limitation that is similar to the energy distribution limitation of claim 1, which is believed to be patentable as explained above. Accordingly, claim 22 should also be non-obvious and patentably distinguishable over Terane in view of Li.

Regarding claims 23-24, they depend from independent claim 22, which is believed to be patentable, and thus claims 23-24 should also be non-obvious and patentably distinguishable over Terane in view of Li. *MPEP 2143.03*.

With respect to claim independent claim 25, it comprises a limitation that is similar to the energy distribution limitation of claim 1, which is believed to be patentable as explained above. Accordingly, claim 25 should also be non-obvious and patentably distinguishable over Terane in view of Li.

Regarding claim 26, it depends from independent claim 25, which is believed to be patentable, and thus claim 26 should also be non-obvious and patentably distinguishable over Terane in view of Li. *MPEP 2143.03*.

With respect to claim independent claim 27, it comprises a limitation that is similar to the energy distribution limitation of claim 1, which is believed to be patentable as explained above.

PATENT

Accordingly, claim 27 should also be non-obvious and patentably distinguishable over Terane in view of Li.

Regarding claim 28, it depends from independent claim 27, which is believed to be patentable, and thus claim 28 should also be non-obvious and patentably distinguishable over Terane in view of Li. *MPEP 2143.03*.

With respect to claim independent claim 29, it comprises a limitation that is similar to the energy distribution limitation of claim 1, which is believed to be patentable as explained above. Accordingly, claim 29 should also be non-obvious and patentably distinguishable over Terane in view of Li.

Regarding claim 30, it depends from independent claim 29, which is believed to be patentable, and thus claim 30 should also be non-obvious and patentably distinguishable over Terane in view of Li. *MPEP 2143.03*.

PATENT**CONCLUSION**

Claims 1-30 are presently standing in this patent application. In view of the foregoing remarks, each and every point raised in the Office Action mailed on June 28, 2005 has been addressed on the basis of the above remarks. Applicants believe all of the claims currently pending in this patent application to be in a condition for allowance. Reconsideration and withdrawal of the rejections are respectfully requested. However, should the Examiner believe that direct contact with Applicants' attorney would advance the prosecution of the application, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

Dated: December 28, 2005By: Dang M. Vo, Registration No. 45,183
(858) 845-2116

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 658-5787
Facsimile: (858) 658-2502